

Appl. No. : 10/795,973
Filed : March 8, 2004

REMARKS

In response to the Office Action mailed March 11, 2005, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 43-47 remain pending, Claim 43 having been amended. New Claim 48 has been added. Claims 1-42 were canceled by a prior amendment.

In the changes made by the current amendment, ~~deletions are shown by strikethrough~~, and additions are underlined.

Claims 43-47 Are Not Obvious In View Of Brown

Claims 43-47 presently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,186,359 to Brown et al. Applicants respectfully submit that the claims, as amended, are allowable over the Brown reference. Reconsideration and withdrawal of the present rejection of Claims 43-47 are respectfully requested.

Brown discloses a carton configured to receive multiple sealed bags of hair products. The carton includes a perforated area adapted to receive a dispensing spout of the sealed bags. In addition, an upper end of the carton defines a storage area, which is located above the compartment(s) for the sealed bags and separated from the bag compartment(s) by an upper partition. A lid is configured to close an open, upper end of the storage area.

The Examiner has taken the position that the storage area meets the claimed limitation of "a recess configured to receive and support a battery [...]." The Examiner has also stated that would have been obvious to place a battery within the storage area. Applicants respectfully disagree. Other than the Applicants' own disclosure, there is no suggestion within the prior art to place a battery within the storage compartment of a hair care product dispensing carton, which has no battery-powered components. The Brown reference specifically contemplates the storage of resealable containers, gloves and other *necessary* supplies. There is no disclosure, or suggestion, that a battery would be such a necessary supply. For at least this reason, Applicants submit that the claims are allowable over the Brown reference.

Nonetheless, in order to expedite allowance of the present application, Applicants have amended Claim 43 to clarify the distinctions over the Brown reference. Claim 43, as amended, recites a supply unit for a soap dispenser including, among other recitations, a box defining an

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interior space sized and shaped to receive a supply of liquid soap. A forward side of the box includes a section defined by a perforated score line and configured to define an aperture to permit dispensing of the supply of soap. An external surface of a rearward side of the box defines a recess configured to receive and securely support a battery outside of the interior space. Advantageously, with such a construction, the battery is externally accessible when secured to the box. Accordingly, the battery may be used to provide power to an associated soap dispenser when in a position secured to the box.

In contrast, the storage area of the Brown carton is defined by an interior surface of the rearward side of the carton. Thus, the battery would not be externally accessible while within the storage compartment. Further, the storage compartment of the Brown carton is not configured to securely support a battery, but at most would only loosely receive a battery therein – depending on the dimensions of the storage compartment. As a result, if a battery were placed within the storage compartment, it would not be securely supported in a position to provide power to an associated electrical device.

For at least the reasons presented above, Claim 43 is allowable over the Brown reference and other prior art of record. Claims 44-47 are allowable, not only because they depend from an allowable claim, but upon their own merit as well. New Claim 48 is fully supported by the application as filed, and also indirectly depends from Claim 43. Claim 48 is allowable because it depends from Claim 43 and is also allowable on its own merit.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Edward A. Schlatter at (949) 721-2821 (direct line), to resolve such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: September 12, 2005

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